IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 3491 of 2007(N)

CS.134/2003 of MUNSIFF COURT, QUILANDY

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PETITIONER:

ARAMKOTTAKKAL PRABHAKARAN NAIR
AVIDANALLUR AMSOM,
POONATH DESOM
KOYILANDY TALUK
KERALA

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. EDOTHKANDY C.BHAYISWAMI
   PANNIYANKARA AMSOM DESOM
   KOZHIKODE

2. MELEKKANDIYIL APPUKUTTY
   KAPPIKUNNUMMAL
   KINALUR AMSOM DESOM
   KOYILANDY TALUK

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

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W.P.(C)NO.3491 OF 2007

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Dated this the 1st day of February 2007

JUDGMENT

This writ petition is filed to quash Ext.P4 order and to grant the prayer in Ext.P3 and to dispose of Ext.P5 application. It is seen that the plaintiff moved an application before the trial court as I.A.1176/06 to remove the case from the list. It was disallowed by the court and Ext.P4 application was consequentially dismissed. It is available from the proceedings paper that as I.A.1176/06 dismissed, plaintiff's case was also dismissed with the cost of defendant. So there cannot be any further life for Ext.P4. It is seen that the plaintiff has filed an application for restoration and it is pending before the trial court and as directed by me the registry has contacted with the concerned court and found out that the said application I.A.1321/06 is posted for production of paper publication and it is posted to 14-2-2007. Therefore, in the fitness of things it is only just and equitable to direct the learned Munsiff to dispose of I.A.1321/06 after service is complete on merits.

Writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

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